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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/763,033	02/15/2001	Johannes Wollenweber	P001979	1988
26574	7590	07/19/2004	EXAMINER	
SCHIFF HARDIN, LLP			TON, ANTHONY T	
PATENT DEPARTMENT			ART UNIT	
6600 SEARS TOWER			PAPER NUMBER	
CHICAGO, IL 60606-6473			2661	6
DATE MAILED: 07/19/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/763,033	WOLLENWEBER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Anthony T Ton	2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 2/15/01.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 10-19 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 10-19 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 15 February 2001 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

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- 1) Notice of References Cited (PTO-892)
  - 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
  - 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.

- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

1. **Claims 10-12** are objected to because of the following informalities:
    - a) **In Claim 10:** Term “**memory devices memory devices**” in **line 8** is improper.  
Examiner suggests changing this term to “**memory devices**”.
    - b) **In Claim 11:** Term “**a redundant passive peripheral assemblies is provided**” in **lines 1-2** is improper.  
Examiner suggests changing this term to “**a redundant passive peripheral assembly is provided**”.
    - c) **In Claim 12:** Term “**the active peripheral assemblies is still active**” in **lines 1-2** is improper.  
Examiner suggests changing this term to “**the active peripheral assemblies are still active**”.
    - d) **In Claim 18:** Term “**signaled communications link which are switched**” in **line 5** is improper.  
Examiner suggests changing this term to “**signaled communications links which are switched**”.
- Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claims 13-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Claim 13 recites the limitation "the previously active peripheral assemblies" in line 2.**

There are insufficient antecedent bases for these limitations in the claim.

#### **Claim Rejections - 35 USC § 102**

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. **Claims 10-19** are rejected under 35 U.S.C. 102(a) as being anticipated by **Rathgeb (Redundancy Concepts for a Large ATM Switching Node)**, published date: 09/21/97), XVI Word Telecom Congress Proceedings XP-000720548, (International Switching Symposium), Toronto, CA Pinnacle Group, pp. 425-433 (provided by IDS #4).

a) **In Regarding to Claim 10: Rathgeb disclosed** a method for reversion of a fault in active peripheral assemblies of a communications system switching device, wherein at least one signaled communications link is switched via the active peripheral assemblies and connection data for the communications link is stored in the active peripheral assemblies (*see Fig.2*), the active peripheral assemblies being in communication with central memory devices (*see Fig.5*), the method comprising the steps of:

storing connection data elsewhere in a redundant manner in the central memory devices (*see Fig.2: AU and MPs; and page 468, Paragraphs: The central control ... Main Processor*

(MP).. signaling protocols ...program storage... software upgrades; and Para. 5.1: Data Base Management System);

transmitting the connection data to the active peripheral assemblies after the occurrence of a fault (*see Paragraphs 3, 3.1 and 3.4*); and

one of, interrupting or starting, transmission of the connection data at a later time in order to allow set-up of new communications links (*see Fig.4 and paragraphs 3.2 and 4*).

b) **In Regarding to Claim 11:** Rathgeb further disclosed the method of claim 10, wherein a redundant passive peripheral assembly is provided for the active peripheral assemblies (*see Fig.5: Spare LIC, active LIC N-1 to LIC N*).

c) **In Regarding to Claim 12:** Rathgeb further disclosed the method of claim 11, wherein the active peripheral assemblies are still active after the occurrence of a fault in the software of the active peripheral assemblies (*see Para.3.1 and Fig.4*).

d) **In Regarding to Claim 13:** Rathgeb further disclosed the method of claim 12, wherein after the occurrence of the fault, the previously active peripheral assemblies become passive and redundant assemblies are used as the active peripheral assemblies (*see Figs.3 and 5*).

e) **In Regarding to Claim 14:** Rathgeb further disclosed the method of claim 13, wherein the connection data to be transmitted remains stored elsewhere (*see Para.3.1*).

f) **In Regarding to Claim 15:** Rathgeb further disclosed the method of claim 14, further comprising the step of transmitting the connection data in blocks (*Rathgeb inherently disclosed transmitting the connection data in blocks because Rathgeb disclosed the data being transmitted at peak cell rates in schemes for ABR or UBR connections for the implementation of*

*early packet or partial packet discard, hence the connection data being sent in blocks (see paragraphs 2 – 3.1).*

**g) In Regarding to Claim 16:** Rathgeb further disclosed the method of claim 15, further comprising the steps of:

checking hardware settings which already existed in the active peripheral assemblies on the basis of the connection data after at least partial transmission of the connection data (*see Fig.6 and Para. 5.1*); and

correcting the hardware settings if necessary (*see Para.5.1: maintenance functions are provided to perform all hardware related activities, such as fault processing, diagnostics, reconfiguration and routine testing of an MP*).

**h) In Regarding to Claim 17:** Rathgeb further disclosed the method of claim 16, wherein the communications system is an ATM communications system (*see Fig.3: ATM core*).

**i) In Regarding to Claim 18:** Rathgeb disclosed the switching device for a communications system, comprising:

a central control unit for controlling a number of associated peripheral assemblies via which communications links can be switched (*see Fig.2: MP*);

the central control unit having a data memory in which connection data for signaled communications link which are switched via the associated peripheral assemblies can be stored (*see Fig.2: AU and MPs; and Para 2: MP and Para. 5.1: Data Base Management System*); and

a unit for receiving and transmitting the connection data to the associated peripheral assemblies, whereby a connection manager in the associated peripheral assemblies

one of, interrupts transmission of the connection data or starts transmission of the connection data, at a later time in order to allow set-up of new communications links (*see Figs. 4 and 5 and paragraphs 3 –5: receivers and transmitters*).

j) In Regarding to Claim 19: Rathgeb further disclosed the switching device of claim 18, wherein the communications system is an ATM communications system (*see Fig.3: ATM core*).

#### **Examiner Information**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony T Ton whose telephone number is 703-305-8956. The examiner can normally be reached on M-F: 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas W Olms can be reached on 703-305-4703. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ATT 6/28/2004

